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PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b> (to be used for correspondence after initial filing) APR 22 2004 U.S. PATENT & TRADEMARK OFFICE	Application Number	09/851,856	<b>RECEIVED</b> APR 27 2004 Technology Center 2600
	Filing Date	May 9, 2001	
	First Named Inventor	Robert Mays, Jr.	
	Art Unit	2633	
	Examiner Name	Curs, Nathan M.	
Total Number of Pages in This Submission		Attorney Docket Number	MYS-01-02109

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449-IDS by Applicant Forty-three (43) References Return Receipt Postcard to Kenneth Brooks
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Law Office of Kenneth C. Brooks
Signature	<i>Kenneth Brooks</i>
Date	April 15, 2004

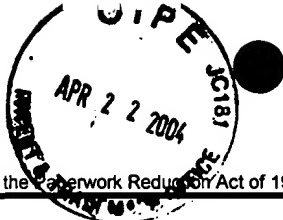
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Typed or printed name		Alexis Sheffield	
Signature	<i>Alexis Sheffield</i>	Date	April 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/851,856	RECEIVED
Filing Date	May 9, 2001	
First Named Inventor	Robert Mays, Jr.	APR 27 2004
Examiner Name	Curs, Nathan M.	Technology Center 2600
Group Art Unit	2633	
Attorney Docket No.	MYS-01-02i09	

TOTAL AMOUNT OF PAYMENT (\$)**180.00**

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 500345  
Deposit Account Name: Kenneth C. Brooks

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)**0.00**

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20**= <input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
Multiple Dependent	-3**= <input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0.00**

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**180.00**

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kenneth C. Brooks	Registration No. (Attorney/Agent)	38,393	Telephone	(512) 527-0104
Signature		Date	April 15, 2004		

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert Mays Jr.

PATENT APPLICATION

Serial No.: 09/851,856

Group Art Unit: 2633

Filing Date: May 9, 2001

Examiner: Curs, Nathan M.

For: FILTERING TECHNIQUE FOR FREE-SPACE COMMUNICATION

**INFORMATION DISCLOSURE STATEMENT****RECEIVED**

Commissioner  
for Patents  
Alexandria, VA 22313

APR 27 2004

Technology Center 2600

Sir:

The following information is submitted in compliance with Applicant's duty of disclosure under 37 C.F.R. §1.56.

However, the present information disclosure statement is being filed after the references being cited herein were known by an individual designated in 37 C.F.R. §1.56 more than three (3) months prior to the filing of the present information disclosure statement. As a result, Applicant wishes to file the present information disclosure statement pursuant to 37 C.F.R. §1.97(f), wherein C.F.R. §1.97(f) recites that an information disclosure statement may be permitted if a bona fide attempt to comply with 37 C.F.R. §1.98 was made but part of the required content was inadvertently omitted. Applicant contends that a bona fide attempt to comply with 37 C.F.R. §1.98 was made, with such a bona fide attempt being shown by a previously filed information disclosure statement, mailed November 9, 2001 and received by the USPTO on December 18, 2001. However, certain references were inadvertently omitted and not made of record in the present application. Specifically, an Office action mailed January 15, 2004, indicated as Paper 8 in the File Wrapper, rejected the present application under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over co-pending patent applications 09/851,857 and 09/648,847. Applicant did not believe that the claims that define the present invention were obvious in view of the invention defined by the claims of patent applications 09/851,857 and 09/648,847. Without admitting to this finding, the Applicant wishes to include any cited references contained within co-pending patent applications 09/851,857 and 09/648,847 that were inadvertently omitted in the present application, which results from our belief that the present application is not obvious in view of patent applications 09/851,857 and 09/648,847. Form PTO-1449 and the requisite copies of each reference recited below accompanies this document. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

#### ISSUED PATENTS

<u>Patent Number</u>	<u>Inventor</u>	<u>Grant Date</u>
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6,246,680	Muller et al.	06-12-2001
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6,314,210	Fukushima et al.	11-06-2001
6,452,700	Mays	09-17-2002

#### FOREIGN PATENT DOCUMENTS

<u>Document Number</u>	<u>Inventor</u>	<u>Pub. Date</u>
00/04660	Amadon et al.	01-27-2000

#### NON-PATENT DOCUMENTS

Hariharan, P. *Optical Holography: Principles, Techniques and Applications*. Cambridge: Cambridge University Press, 2<sup>nd</sup> Edition, pp. 213-223, 1996.

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Mays, Robert Jr. "Network Switch Employing Free-Space Optical Switching Technique," U.S. Patent Application Publication 2002/0191598. Published on December 19, 2002.

Mays, Robert Jr. "Computer Backplane Employing Free-Space Optical Interconnect," U.S. Patent Application Publication 2002/0089709. Published on July 11, 2002.

Mays, Robert Jr. "Network Routing Employing Free-Space Optical Broadcasting," U.S. Patent Application Publication 2002/0191254. Published on December 19, 2002.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PATENT APPLICATION, Alexandria, VA 22313

Signed:   
Typed Name: Alexis Sheffield  
Date: April 15, 2004

Respectfully Submitted,



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